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Crime prevention and criminal justice

Crime prevention and criminal justice

Note by the Secretary-General

I have the honour to transmit to the members of the General Assembly the report of the High-level Political Signing Conference for the United Nations Conference against Transnational Organized Crime and the Protocols Thereto, which was prepared in accordance with General Assembly resolution 55/25 of 15 November 2000, for information and follow-up, particularly with the objective of supporting the early entry into force of the United Nations Convention against Transnational Organized Crime and the protocols thereto. The document was originally distributed on 22 May 2001 under the symbol A/CONF.195/2 and Corr.1.

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Report of the High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, held in Palermo, Italy, from 12 to 15 December 2000

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Chapter I
Background of and preparations for the Conference

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council (Council resolution 1998/14 of 28 July 1998), the General Assembly adopted resolution 53/111 of 9 December 1998, in which it decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea.

2. In its resolution 54/126 of 17 December 1999, the General Assembly requested the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime to intensify its work in order to complete it in 2000 and decided that the Ad Hoc Committee should submit the final text of the draft United Nations Convention against Transnational Organized Crime and the draft protocols thereto to the Assembly for early adoption, prior to a high-level political signing conference. In its resolution 54/129 of 17 December 1999, the Assembly accepted with appreciation the offer of the Government of Italy to host a high-level political signing conference in Palermo for the purpose of signing the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the protocols thereto.

3. The Ad Hoc Committee held 11 sessions from January 1999 to October 2000 and finalized the texts of the draft Convention, the draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the draft Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In complying with General Assembly resolution 54/126, the Ad Hoc Committee submitted its report and the texts of the draft instruments, as well as the text of a draft resolution, to the Assembly at its fifty-fifth session for consideration and action.

4. In its resolution 55/25 of 15 November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

5. In resolution 55/25, the General Assembly requested the Secretary-General to prepare a comprehensive report on the high-level political signing conference to be held in Palermo in accordance with resolution 54/129. The present report is submitted to the Assembly pursuant to that request.

Chapter II
Attendance and organization of work

A. Date and venue of the Conference

6. The High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime and the Protocols Thereto was held in Palermo, Italy, from 12 to 15 December 2000 pursuant to General Assembly resolution 54/129.

7. The signatories to the United Nations Convention against Transnational Organized Crime and its protocols are listed in annex I to the present report.

B. Attendance

8. The following States were represented at the Conference: Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador,

Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

9. The following United Nations offices and organs were represented by observers: International Narcotics Control Board, Office of the United Nations High Commissioner for Refugees and United Nations Interregional Crime and Justice Research Institute.

10. The United Nations Educational, Scientific and Cultural Organization was represented by an observer.

11. The following affiliated regional institutes and associated institutes were also represented by observers: European Institute for Crime Prevention and Control, affiliated with the United Nations, International Institute of Higher Studies in Criminal Sciences, International Centre for the Prevention of Crime and International Scientific and Professional Advisory Council.

12. The following intergovernmental organizations were represented by observers: Council of Europe, Council of the European Union, Customs Cooperation Council (also called the World Customs Organization), European Commission, European Police Office (Europol), International Centre for Migration Policy Development, International Criminal Police Organization, International Organization for Migration, Latin American Parliament, League of Arab States, Offshore Group of Banking Supervisors, Organisation for the Prohibition of Chemical Weapons and Sovereign Military Order of Malta.

13. The following non-governmental organizations were represented by observers:

General consultative status:

Soroptimist International, Women's Federation for World Peace International, World Association of Girl Guides and Girl Scouts, World Organization of the Scout Movement.

Special consultative status:

Centro Nazionale di Prevenzione e Difesa Sociale, Coalition against Trafficking in Women, Fondazione Giovanni e Francesca Falcone, International Association against Drug Abuse and Drug Trafficking, International Association of Judges, International Association of Penal Law, Italian Centre of Solidarity, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students).

Other:

International Association of Prosecutors, La Strada, Libera—Associazioni, nomi e numeri contro le mafie, Women Trafficking and Child Labour Eradication Foundation.

14. Over 170 individual experts participated in the Conference as observers.

C. Opening of the Conference

15. The High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime was opened on 12 December 2000 by the President of Italy and the Secretary-General of the United Nations. The Conference observed a minute of silence for those who had sacrificed their lives in the fight against organized crime and for the victims of such crime.

16. The Secretary-General stated that the Conference was evidence of the will of the international community to answer a global challenge with a global response. Arrayed against the constructive forces of civil society—the citizens' groups, businesses,

professors, journalists, unions, political parties and others having an essential role to play in running any society—were the forces of "uncivil society"—terrorists, criminals, drug dealers, those engaged in trafficking in persons and others undermining the good works of civil society. The forces of "uncivil society" were powerful, representing the entrenched interests of a global enterprise worth billions of dollars, but they were not invincible, as shown by the success of the people of Palermo against organized crime, which had been achieved at great cost. The Palermo Convention gave the world a new tool with which to address the scourge of crime as a global problem. The Secretary-General urged all States to ratify the Convention and its protocols at the earliest possible date.

17. The President of Italy, in his address to the Conference, emphasized that the Convention and its protocols provided an international framework for combating the most heinous crimes. Organized crime was the gravest problem of modern times. Policies for prevention and law enforcement would be more effective if they were backed by values shared by all. Advancements in information technology had opened new paths for the spread of organized crime. It was up to the international community to close off those paths with the appropriate measures. The President paid tribute to all those in Sicily who had had the courage to stand up to organized crime. He stated that the world should continue with confidence along the path that they had opened. He added that he hoped that the Convention and its protocols would enter into force as soon as possible.

18. The Minister of Justice of Italy paid tribute to judges Giovanni Falcone and Paolo Borsellino, who, like many others, had paid the highest price in their efforts to fight organized crime. He stated that there was a need to strengthen international law and cooperation in law enforcement, as people were no longer citizens of individual countries but were citizens of the world, which was becoming increasingly mobile. The Convention and its protocols offered possibilities for legislative measures that would become the core of the efforts to fight organized crime. Those instruments would also become the fundamental mechanisms for fighting a criminal market that was both expanding and becoming stronger. He stated that the Government of Italy hoped that all States would sign the instruments. He announced that, on 11 December, his Government had enacted legislation according to which it would contribute annually 25 per cent of the confiscated proceeds of organized crime to the United Nations to help it fight transnational crime.

19. The President of the Region of Sicily stated that the Conference was a historic event in the fight against organized crime and the struggle for democracy. In an age of globalization, a strong, determined and incisive policy was needed at the international level. The Convention offered the framework for such a policy.

20. The President of the Province of Palermo emphasized that the programme for countering organized crime in Sicily was based on three pillars: development, employment and security. The aim was to make the province suitable for entrepreneurial activities and totally unsuitable for organized crime.

21. The Mayor of Palermo recalled that, in the past, Palermo had been a symbol of fear, pain and the violent supremacy of the mafia. Since then, it had been culturally reborn, through the commitment of civil society, in particular its citizens. The city that had once exported the disease of evil was currently offering the cure for that disease. Law enforcement and cultural and socio-economic progress were the two wheels of a cart that needed to move forward at the same speed in order for the fight against organized crime to be successful. That was the model that Palermo offered the rest of the world.

22. The President of Poland addressed the Conference as a special guest, in recognition of the leading role that his country had played in the development of the Convention. He stated that the Convention opened a new chapter in international cooperation, sending a signal to the world that the United Nations was determined to wage a war against crime. Globalization provided great opportunities but was also fraught with risks. Organized crime crossed state and continental borders and was a threat to society. Only by taking immediate and radical joint action would the world have a chance to fight organized crime effectively. He recalled that Poland had presented to the General Assembly in 1996 the first draft of a framework convention against organized crime. That initiative had led to the commencement of negotiations on the new instruments. The fact that those negotiations had been completed in less than two years was a testimony to the commitment and mobilization of the international community. The greatest strength of the new instruments was their

universality. The instruments ensured that the international community was entering the new millennium with effective measures against transnational organized crime.

23. The Director-General of the United Nations Office at Vienna and Executive Director of the Office for Drug Control and Crime Prevention of the Secretariat stated that the Convention and its protocols, which were the first legally binding international instruments for fighting organized crime, would help eliminate the inconsistencies among States that criminal networks had been exploiting. The new instruments brought together from several parts of the globe the best practices in combating organized criminal groups. The Convention offered the most advanced set of tools ever to be made available to policy makers, investigators and civil society to help them prevent large-scale crime. The protocols would bring about a change so that child labourers or prostitutes would no longer be viewed as accomplices, but as victims of a new form of slavery. The presence of the international community in Palermo and the adoption of the Convention were potent symbols of hope and a lesson for those who believed that cross-border crime was invincible. However, no person should believe that facing organized crime was easy or that the fight against it had been won. The deaths of judges Giovanni Falcone and Paolo Borsellino were a stark reminder of the high price that many had paid in the struggle against organized crime. The Convention was a milestone and a tribute to the thousands of men and women who had lost their lives in pursuit of a world free of mafia and criminal violence. The Executive Director expressed the hope that the Conference and the new Convention would be the beginning of a process that would result in a world of peace, justice and respect for the rule of law.

D. Election of the President of the Conference and other officers

24. At its 2nd plenary meeting, on 12 December, the Conference elected, by acclamation, Piero Fassino, Minister of Justice of Italy, President of the Conference.

25. At the same meeting, the Conference also elected by acclamation the following Vice-Presidents: Gonzalo Salvador (Ecuador), Marylise Lebranchu (France), Nobuyasu Abe (Japan), Eduardo Ibarrola Nicolín (Mexico), Shaukat Umer (Pakistan), Janusz Rydzkowski (Poland), Alojz Némethy (Slovakia), Béchir Tekari (Tunisia) and Penuell Mpapa Maduna (South Africa), who also served as Rapporteur.

E. Adoption of the rules of procedure

26. At its 2nd plenary meeting, on 12 December 2000, the Conference decided that, in the absence of special rules of procedure for the Conference, the rules of procedure of the General Assembly would apply, mutatis mutandis, with the necessary adjustments, including:

(a) The Vice-Presidents of the Conference would be elected from the States constituting the bureau of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime established by the General Assembly;

(b) The preparation of the provisional agenda would be in line with General Assembly resolution 54/129;

(c) No General Committee would be established;

(d) Instead of verbatim and summary records, the Rapporteur would prepare a comprehensive report of the Conference.

F. Adoption of the agenda

27. At its 2nd plenary meeting, on 12 December 2000, the Conference adopted its provisional agenda (A/CONF.195/1), which had been finalized following an open-ended consultation on the Conference with representatives of Member States, held in Vienna on 27 September 2000. The agenda was as follows:

1. Opening of the Conference.
2. Organizational matters:
   (a) Election of the President of the Conference;
   (b) Adoption of rules of procedure;
   (c) Election of other officers;

(d) Adoption of the agenda and organization of work;

(e) Credentials of representatives to the Conference:

(i) Appointment of members of the Credentials Committee;

(ii) Report of the Credentials Committee.

3. The United Nations Convention against Transnational Organized Crime and the protocols thereto: follow-up activities and future work for their effective implementation.

4. Signature of the United Nations Convention against Transnational Organized Crime and the protocols thereto.

5. Adoption of the report of the Conference.

G. Organization of work

28. At its 2nd plenary meeting, on 12 December, the Conference approved its organization of work (A/CONF.195/1, annex), which had been finalized following the open-ended consultation on the Conference with representatives of Member States, held in Vienna on 27 September 2000.

H. Credentials of representatives to the Conference: appointment of members of the Credentials Committee and report of the Committee

29. At its 2nd plenary meeting, on 12 December, the Conference decided to establish a Credentials Committee of nine members based upon the Credentials Committee of the General Assembly at its fifty-fifth session; thus, the membership of the Credentials Committee would be composed of the Bahamas, China, Ecuador, Gabon, Ireland, Mauritius, the Russian Federation, Thailand and the United States. That decision was taken on the understanding that the Conference would replace any State not present by another State from the same regional group.

30. At its 6th plenary meeting, on 14 December, the Conference approved the report of the Credentials Committee.

Chapter III
Proceedings of the Conference

31. At the 2nd to 7th plenary meetings, from 12 to 15 December 2000, statements were made by 105 high-level officials. Those statements are summarized in annex II to the present report.

32. At the 2nd meeting, on 12 December, the following persons made statements:

Thomas Klestil
Federal President of the Republic of Austria

Mario Frick
Head of the Government of Liechtenstein

Apollo Robin Nsibambi
Prime Minister of Uganda

Hugo Banzer Suárez
Constitutional President of the Republic of Bolivia

Boris Trajkovski
President of the former Yugoslav Republic of Macedonia

Rexhep Meidani
President of the Republic of Albania

Agbeyome Kodjo
Prime Minister, Head of the Government of Togo

Emomali Rakhmonov
President of the Republic of Tajikistan

Martin Raguz
Prime Minister of Bosnia and Herzegovina

Cassam Uteem
President of the Republic of Mauritius

James A. Michel
Vice-President of the Republic of Seychelles

Juan Francisco Reyes López
Vice-President of the Republic of Guatemala

Gustavo Bell Lemus
Vice-President of the Republic of Colombia

Stjepan Mesic
President of the Republic of Croatia

Marylise Lebranchu
Minister of Justice of France

Herta Däubler-Gmelin
Federal Minister of Justice of Germany

Seyed Kamal Kharrazi
Minister for Foreign Affairs of the Islamic Republic of Iran

Sergei B. Ivanov
Secretary of the Security Council of the Russian Federation

Jaroslaw Kaczynski
Minister of Justice of Poland

33. At the 3rd meeting, on 13 December, the following persons made statements:

Mamadou Lamine Ba
Minister of the Environment of Senegal

António Luis Santos da Costa
Minister of Justice of Portugal

Aydin Sahir Ipas
Ambassador and Permanent Representative of Turkey to the United Nations (Vienna)

Guangya Wang
Vice-Minister for Foreign Affairs of China

Benachenhou Abdellatif
Minister of Finance of Algeria

Mikhail Korniyenko
First Deputy Minister for Internal Affairs of Ukraine

Frank E. Loy
Under-Secretary of State for Global Affairs, Department of State of the United States of America

Jaime Mayor Oreja
Minister of the Interior of Spain

Elsa Kelly
Ambassador of Argentina to Italy

Thomas Bodström
Minister of Justice of Sweden

Kiyohiro Araki
Senior State Secretary for Foreign Affairs of Japan

Isamu Ueda
Member of the House of Representatives, Japan

Jung-kil Kim
Minister of Justice of the Republic of Korea

Frank Jensen
Minister of Justice of Denmark

Suchart Traiprasit
Attorney-General, Thailand

Mikhail Saakashvili
Minister of Justice of Georgia

José Gregori
Minister of Justice of Brazil

34. At the 4th meeting, on 13 December, the following persons made statements:

Gonzalo Salvador
Deputy Minister for Foreign Affairs of Ecuador

Joseph H. Gnonlonfoun
Minister of Justice of Benin

Sule Lamido
Minister for Foreign Affairs of Nigeria

Yusril Ihza Mahendra
Minister of Justice and Human Rights of Indonesia

Michail Stathopoulos
Minister of Justice of Greece

Abdelrahman Al-Abbar
Minister of Justice of the Libyan Arab Jamahiriya

Winston Spadafora F.
Minister of the Interior and Justice of Panama

Stephen Vukile Ishwete
Minister for Safety and Security of South Africa

Nguyen Dinh Loc
Minister of Justice of Viet Nam

Jorge Burgos Varela
Deputy Minister of the Interior of Chile

Eduardo Ibarroia Nicolín
Deputy Attorney-General for Legal and International Affairs, Mexico

John O'Donoghue
Minister of Justice, Equality and Law Reform of Ireland

Roberto Díaz Sotolongo
Minister of Justice of Cuba

Gheorghe Mocuta
Secretary of State of Romania

Marc Verwilghen
Minister of Justice of Belgium

Philippe Deslandes
Ministry of the Interior of Monaco

Victor G. Garcia III
Ambassador and Permanent Representative of the Philippines to the United Nations (Vienna)

35. At the 5th meeting, on 14 December, the following persons made statements:

Sándor Pintér
Minister of the Interior of Hungary

Hamed Al-Othman
Attorney-General, Kuwait

William Rory Steele
Ambassador of Australia to Italy

Diego García-Sayán
Minister of Justice of Peru

Ruth Metzler-Arnold
Federal Councillor of Switzerland

Béchir Tekari
Minister of Justice of Tunisia

Yehuda Millo
Ambassador of Israel to Italy

Oystein Maeland
State Secretary of Norway

Anaclet Imbiki
Minister of Justice of Madagascar

Fikrat Mammadov
Minister of Justice of Azerbaijan

Shaukat Umer
Ambassador and Permanent Representative of Pakistan to the United Nations (Vienna)

Barbara Roche, MP
Minister of State of the United Kingdom of Great Britain and Northern Ireland

Lilian E. Patel
Minister for Foreign Affairs and International Cooperation of Malawi

Maher Abdel Wahed
Prosecutor-General, Egypt

Alojz Némethy
Ambassador and Permanent Representative of Slovakia to the United Nations (Vienna)

Omurbek Kutuev
Minister of the Interior of Kyrgyzstan

Aboud Al-Sarraj
Dean of the Faculty of Law, Damascus University, Syrian Arab Republic

Mohamed Amin Hawamdeh
Attorney-General, Jordan

Igor Rogov
Minister of Justice of Kazakhstan

Tigran Mukuchyan
Deputy Minister of Justice of Armenia

36. At the 6th meeting, on 14 December, the following persons made statements:

Natalya Drozd
Ambassador of Belarus to Italy

Sévérin Ntahomvukiye
Minister for Foreign Affairs and Cooperation of Burundi

Ernest Ngarikutuke Tjiriange
Minister of Justice of Namibia

Weredewold Woldie
Minister of Justice of Ethiopia

Simon Joseph Draper
Deputy Head of Mission, Embassy of New Zealand (Italy)

Clifford S. Mamba
Ambassador and Permanent Representative of Swaziland to the United Nations

Wildo Rienzi Galeano
Minister of the Supreme Court of Justice of Paraguay

Tajeddine Baddou
Ambassador and Permanent Representative of Morocco to the United Nations (Vienna)

Petros Clerides
Deputy Attorney-General, Cyprus

Robert Mbella Mbappe
Minister of Justice of Cameroon

Thomas Motsoahae Thabane
Minister for Foreign Affairs of Lesotho

Thomas Sanon
Ambassador and Permanent Representative of Burkina Faso to the United Nations (Vienna)

Jean de Dieu Mucyo
Minister of Justice and Institutional Relations of Rwanda

Paul Dubois
Ambassador and Permanent Representative of Canada to the United Nations (Vienna)

Francesca Michelotti
Minister for Internal Affairs and Justice of San Marino

Antonieta Rosa Gomes
Minister of Justice of Guinea-Bissau

Costa Ricky Mahalu
Ambassador of the United Republic of Tanzania to Italy

Hemayet Uddin
Director-General, Ministry of Foreign Affairs, Bangladesh

Ibrahim Bocar Daga
Ambassador of Mali to Italy

Abdullah Abdullah
Acting Minister for Foreign Affairs of Afghanistan

Tonio Borg
Minister of the Interior of Malta

Medina Roy Edmundo
Attorney-General of Honduras

Vladimir Tsurcan
Minister for Internal Affairs of the Republic of Moldova

Tigran Mukuchyan
Deputy Minister of Justice of Armenia

37. At the 7th meeting, on 15 December, the following persons made statements:

Batty Weerakoon
Minister of Justice of Sri Lanka

Ali Mohamed Osman Yassin
Minister of Justice of the Sudan

Joaquim Alberto Chissano
Head of State of the Republic of Mozambique

Fernando Gerbasi
Ambassador of Venezuela to Italy

Jean-Martin Mbemba
Minister of Justice of the Congo

Ousman Badjie
Secretary of State for the Interior of the Gambia

Raj Kumar Singh
Joint Secretary, Ministry of Home Affairs, India

Edwin M. Hatembo
Deputy Minister for Home Affairs of Zambia

Christiaan Kröner
Ambassador of the Netherlands to Italy

38. The representative of the European Commission also made a statement.

39. In its resolution 54/129, the General Assembly requested that the Conference include opportunities for high-level delegates to discuss matters related to the Convention and the protocols thereto, in particular the follow-up activities, for their effective implementation and future work. Accordingly, the organization of work included the following events:

(a) Symposium on the Rule of Law in the Global Village—issues of Sovereignty and Universality, held in the Palazzo dei Normanni, Palermo, from 12 to 14 December 2000;

(b) Seminar on Transnational Organized Crime and the Media, held in the Palazzo dei Normanni, on 13 December 2000;

(c) Forum for Global Action against Trafficking in Persons, held in the Palazzo Biscari, Catania, on 14 December 2000;

(d) Symposium on the Role of Civil Society in Countering Organized Crime, held in the Cantieri Culturali alla Zisa, Palermo, on 14 December 2000;

(e) Ancillary meeting: Prevention Strategies against Organized Crime: The Role of Non-Governmental Organizations, held in the Cantieri Culturali alla Zisa, Palermo, on 13 December 2000.

Chapter IV
Adoption of the report and closure of the Conference

40. At its 7th meeting, on 15 December, the Conference considered and adopted its report (A/CONF.195/L.1). Closing statements were made by the President of the Conference and the Executive Director of the Office for Drug Control and Crime Prevention.

Annex I

Signatories to the United Nations Convention against Transnational Organized Crime and the protocols thereto, 12-15 December 2000

Signatory	*Convention*[a]	*Trafficking in Persons Protocol*[b]	*Migrants Protocol*[c]
1. States			
Afghanistan	x		
Albania	x	x	x
Algeria	x		
Angola	x		
Argentina	x	x	x
Australia	x		
Austria	x	x	x
Azerbaijan	x	x	x
Belarus	x	x	x
Belgium	x	x	x
Benin	x	x	
Bolivia	x	x	x
Bosnia and Herzegovina	x	x	x
Brazil	x	x	x
Bulgaria	x	x	x
Burkina Faso	x	x	x
Burundi	x	x	x
Cameroon	x	x	x
Canada	x	x	x
Cape Verde	x	x	x
Chile	x		
China	x		
Colombia	x	x	
Congo	x	x	x
Côte d'Ivoire	x		
Croatia	x	x	x
Cuba	x		
Cyprus	x	x	x
Czech Republic	x		
Denmark	x	x	x
Dominican Republic	x	x	x
Ecuador	x	x	x
Egypt	x		
El Salvador	x		
Equatorial Guinea	x	x	x
Estonia	x		
Ethiopia	x		

Signatory	*Convention*[a]	*Trafficking in Persons Protocol*[b]	*Migrants Protocol*[c]
Finland	x	x	x
France	x	x	x
Gambia	x	x	x
Georgia	x	x	x
Germany	x	x	x
Greece	x	x	x
Guatemala	x		
Guinea-Bissau	x	x	x
Haiti	x	x	x
Honduras	x		
Hungary	x	x	x
Iceland	x	x	x
Indonesia	x	x	x
Iran (Islamic Republic of)	x		
Ireland	x	x	x
Israel	x		
Italy	x	x	x
Japan	x		
Kazakhstan	x		
Kuwait	x		
Kyrgyzstan	x	x	x
Latvia	x		
Lesotho	x	x	x
Liechtenstein	x		
Lithuania	x		
Luxembourg	x	x	x
Madagascar	x	x	x
Malawi	x		
Mali	x	x	x
Malta	x	x	x
Mauritius	x		
Mexico	x	x	x
Monaco	x	x	x
Morocco	x		
Mozambique	x	x	x
Namibia	x	x	x
Netherlands	x	x	x
New Zealand	x	x	x
Nicaragua	x		
Nigeria	x	x	x
Norway	x	x	x
Pakistan	x		
Panama	x	x	x
Paraguay	x	x	
Peru	x	x	x

Signatory	*Convention*[a]	*Trafficking in Persons Protocol*[b]	*Migrants Protocol*[c]
Philippines	x	x	x
Poland	x		
Portugal	x	x	x
Republic of Korea	x	x	x
Republic of Moldova	x	x	x
Romania	x	x	x
Russian Federation	x	x	x
Rwanda	x	x	x
San Marino	x	x	x
Saudi Arabia	x		
Senegal	x	x	x
Seychelles	x	x	x
Singapore	x		
Slovakia	x		
Slovenia	x		
South Africa	x	x	x
Spain	x	x	x
Sri Lanka	x	x	x
Sudan	x		
Swaziland	x		
Sweden	x	x	x
Switzerland	x		
Syrian Arab Republic	x	x	x
Tajikistan	x		
Thailand	x		
The former Yugoslav Republic of Macedonia	x	x	x
Togo	x	x	x
Tunisia	x	x	x
Turkey	x	x	x
Uganda	x	x	x
Ukraine	x		
United Kingdom of Great Britain and Northern Ireland	x	x	x
United Republic of Tanzania	x	x	x
United States of America	x	x	x
Uruguay	x	x	x
Uzbekistan	x		
Venezuela	x	x	x
Viet Nam	x		
Yemen	x		
Yugoslavia	x	x	x
Zimbabwe	x		

Signatory	*Convention*[a]	*Trafficking in Persons Protocol*[b]	*Migrants Protocol*[c]
2. Regional economic integration organization			
European Community	x	x	x

[a] United Nations Convention against Transnational Organized Crime.

[b] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[c] Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

Annex II

Summary of statements

1. All speakers highlighted the changing nature of organized crime and the new realities facing individual countries and the international community as they entered the twenty-first century. It was stated that the new global society had created previously unknown possibilities for transnational organized crime to develop. Borders were the primary allies of organized crime. That form of crime thrived on the permeability of frontiers and technological changes and paid no attention to legal norms or the fundamental human rights of its victims. New forms of organized crime were in step with the latest technology. They constituted the greatest threats to modern democracy and peace. Transnational organized crime was one of the major obstacles to the current drive of many countries to establish democracy. A growing number of countries were facing the same threats and experiencing the same effects. Organized criminal groups were currently far better financed and more disciplined than previously suspected. They were no longer limited to clandestine loyalties, nor did they adhere to conventional forms. They were established more and more like companies, where each member of the group had a part in committing a particular offence, coordinating or operating a network. In addition, organized criminals displayed a significant level of flexibility. As one avenue was closed, they looked for new ones to explore. Transnational organized crime, with its potential to undermine not only legitimate sectors of society but entire social, economic and political systems, demanded a strong unequivocal response. There was no room for complacency; the world must remain on guard against this particularly dangerous form of criminal activity. When, in the pursuit of profit, it trampled on the humanity of citizens, the world must respond to it with a swift and fatal blow.

2. It was stated that the new realities should lead to the development of a new culture of safety based on shared values and similar perceptions of common enemies. To be successful in meeting the challenges of organized crime, the international community must be prepared to cooperate fully on all fronts and at all levels. The nature of transnational organized crime dictated that cooperation be strengthened and expanded. That was a shared responsibility and all must contribute. Along with Governments and international organizations, the public at large must be involved and kept informed of the fight against transnational crime. Holding in Palermo the High-level Political Signing Conference for the United Nations Convention against Transnational Organized Crime was a tribute to a community that had not given up the fight against organized crime and had often paid for it with tragic loss of life.

3. Admitting the direct relevance of crime prevention and criminal justice to sustainable development, stability, improved quality of life, democracy and human rights was regarded as a key factor of success. Success in the joint effort against transnational organized crime depended on the ability of all States to promote further the solidarity and cooperation they had shown during the negotiation of the Convention and its protocols.

4. It was noted that the Convention was the first international legal instrument to fight and prevent organized crime that provided for common legal standards. It was also a step towards advancing various concepts in current penal science and legal process. The Convention represented a new milestone in international cooperation against transnational organized crime and carried a powerful political message: it signalled the resolve of the international community to take battle to the innermost sanctums of transnational criminality. It was unprecedented to achieve with consensus, in such a short time, agreement on three international texts on three issues of critical importance to the international community. Those instruments had eliminated the difference in cultural viewpoints and established a structure for cooperative action. They included three common themes, which characterized successful multilateral agreements. Most importantly, the instruments established common standards that all States must meet while allowing for flexibility in how States met those standards. They allowed individual countries to tailor implementation to their own specific needs. Secondly, the international norms established by the Convention and its protocols facilitated increased cooperation among Governments and in particular

among law enforcement agencies. The wide range of measures on cooperation contained in the three instruments would provide national authorities with a more effective framework and a variety of tools. Extradition, mutual legal assistance, police cooperation and technical assistance were among the well-known tools of international cooperation in the struggle against crime. Thirdly, the Convention recognized the humanitarian aspects in fighting organized crime, in particular in dealing with trafficking in persons and smuggling of migrants. Punishing the criminal was only the beginning. The cornerstone of collective international work must be the protection of victims and the prevention of those crimes to begin with. Of the three instruments, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, contained the most far-reaching services for the protection of victims. That Protocol and the Protocol against the Smuggling of Migrants by Land, Sea and Air filled a significant gap and promoted concerted action by governments against those who benefited by committing illicit acts against certain vulnerable groups. The Convention was conceived in such a way that, when the time came, its strength and usefulness could be enhanced by the addition of other legal instruments addressing emerging and pressing priorities of States.

5. Some speakers were of the view that the Convention did not address all aspects of combating organized crime, as it did not explicitly refer to the evident link between terrorist groups and other organized criminal groups. Despite that fact, those speakers still believed that the Convention and its protocols would improve the fight against transnational crime, should all the provisions be applied with determination.

6. Many speakers emphasized that, while the completion of the negotiations for the Convention and its protocols was certainly a cause for celebration, everyone must recognize that the fight against organized crime was far from over. The finalization of the Convention and its protocols was only the first step. As a next step, all countries should exert every effort to bring those legal instruments into force as soon as possible. The last phase would be implementation, which was crucial. The international community must not fail to see that the key to the expected effective role of the Convention in fighting organized crime lay in the faithful implementation of all its provisions.

7. All speakers expressed the hope that the Conference would serve as a catalyst for an early entry into force of the Convention and thus its effective implementation. The fact that representatives from so many countries had gathered in Palermo for the Conference was testimony to the determination of all the participants and the countries and organizations they represented. Speakers expressed their confidence in the willingness of the international community to join together to meet the challenge of transnational organized crime. It was noted that the battle against transnational organized crime would not culminate in the signing ceremony.

8. It was stated that there was a need to achieve results, but also to analyse and assess. Achieving results involved ensuring that the international legal obligations undertaken through the Convention and its protocols were translated into the domestic legislation of countries. Signing the Convention did not create the necessary domestic expertise in the different countries. It was necessary to train more legal personnel, in particular judges, and to build greater competence regarding the implementation of the Convention. Achieving results also related to transmitting more information to civil society, especially the media.

9. Many speakers highlighted the need to develop a better understanding of the relationship between crime and the pace of economic liberalization. Many countries were moving rapidly in the area of economic liberalization, in particular regarding trade, but were facing difficulty in developing the necessary mechanisms and institutions to ensure that the potentially adverse effects of that process were minimized. Another area where further study and analysis were essential was the effects of the activities of organized crime on the transition towards greater democracy. A third area was the link between organized crime and the security of States, in particular small, financially unstable States. The United Nations had a significant role to play in assisting States in carrying out that analysis and translating its results into appropriate policies and strategies.

10. Establishing penal and law enforcement regimes was not considered the complete answer to the need to prevent and control organized criminal activities effectively. For final success, appropriate socio-economic measures that would eliminate the root causes of the problem were necessary. Many speakers were aware of

the gap between developed and developing countries as far as the capacity to prevent and combat transnational organized crime was concerned. The lack of resources clearly affected the ability of developing countries to fight organized crime. It was recognized that many developing countries might not have the capacity to implement fully the provisions of the Convention and its protocols, despite the best of intentions and notwithstanding their unwavering commitment to bring their limited resources to bear in the achievement of the goals of the new instruments. That was in part because organized criminal groups were becoming increasingly sophisticated, having ready access to the latest technologies and to specialized services. Such groups remained beyond the reach of official crime prevention and control agencies in developing countries. It was in the mutual interest of all States to increase the ability of developing countries to protect themselves, their citizens and the international community from the scourge of transnational organized crime. Many speakers were pleased to note that the Convention and its protocols contained provisions that would enhance capacity-building, technical assistance and the sharing of information among States parties. They looked forward to increased technical assistance activities by the Centre for International Crime Prevention of the Secretariat in support of developing countries in putting in place the required legislative and other regulatory measures for the implementation of the Convention and its protocols, as well as in training law enforcement officials and conducting legal system studies. They urged donor countries to contribute a substantial amount of expertise and funds to those operations so that the Centre could strengthen its activities as stipulated in the Convention.

11. It was stated that the Palermo Convention and its protocols must not remain a dead letter. Many speakers expressed their intention to give strength to the objectives and goals enshrined in the texts. The Centre for International Crime Prevention must not be simply a moral authority but should also become a strong institution and be given the tools to ensure the effectiveness of the Convention and its protocols. In that vein, many representatives indicated their intention to heed the call of the General Assembly and the Convention and to contribute in a concrete fashion to enabling the Centre to respond to the requests of developing countries and countries with economies in transition for support of their efforts to ratify and implement the Convention and its protocols. Such contributions were not a cost but an investment in the attainment of the common goals enunciated in the new instruments.

12. To implement fully the measures set forth in the Palermo Convention against transnational organized crime, it was necessary to take decisive action against corruption, especially among public officials. To that end, work should now begin on an international instrument against corruption. Furthermore, advanced technology, especially information and communication technologies, had too often been used to facilitate organized crime. Steps should be taken at both the national and the international level to counter that aspect of transnational criminality.

13. Many speakers noted that it had not been possible to conclude negotiations on the draft protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. While they recognized the complexity of those negotiations, they believed that it was an instrument that would be indispensable in the fight against transnational organized crime. They looked forward to the finalization of the text in early 2001 and pledged their commitment to engage in the negotiations in the same spirit of cooperation and mutual respect and understanding that had made possible the finalization of the Convention and its two protocols.